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FLOOR DEBATE

March 27, 2002      LB 722

these individuals receiving a paid leave of absence of 150 to 360 hours a year. In the case of the city of Lincoln's firefighters, who work 24-hour shifts, 360 hours is 14 percent of the total hours they would work in a calendar year. LB 722 eliminates the confusion and varying application of the term "workday". It provides for a military leave of absence equal to the normal number of hours an employee works in a 3-week period with a maximum leave absence of 120 hours. Basing the military leave of absence on the normal hours worked in a 3-week period provides equitable treatment for full-time and part-time employees. The 120 maximum hours provides a uniform benefit for all full-time employees, regardless of whether they work 8-, 10-, or 24-hour shifts. I believe that when the statute was originally enacted, the intent was to provide a military leave of absence of 15 8-hour days. In fact, the state personnel policy provides for a leave of absence for military duty totaling 120 hours. Allowing military leave of absence of more than 120 hours results in an inequitable award of paid military leave between full-time employees. It also results in substantial costs to agencies utilizing shifts longer than 8 hours. Just recently, the city of Omaha was involved in litigation with a firefighter over the number of hours firefighters are entitled to under the current statute. The current amendment will...this amendment will help to avoid such litigation by clearly defining the number of hours to which employees are entitled. LB 722 also helps clarify the types of leave that may be used for emergency duty upon the call of the Governor. The current statute provides for a paid leave of absence not to exceed 15 workdays and an additional leave of absence for emergency duty where the employing agency supplements the employees' military pay so that they are not losing money while they are performing emergency duty. The current statute is not clear on whether the employee may take the 15 workdays of paid leave of absence before he takes the additional leave of absence for emergency duty. This issue has also resulted in litigation. The Nebraska Supreme Court has ruled that employees may not take the 15 workdays of paid leave of absence during an emergency declared by the Governor. LB 722 creates a leave category called a state emergency leave of absence. The proposed amendment states that employees may use state emergency leave of absence or any other permissible form